FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO. 7654 OF 2006

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.M.A. Choudhari for the Petitioner.
Mr.Sanjay D. Thakade for Respondent Nos.1 and 2.
Mr.P.I. Khemani, AGP for Respondent No.8.

CORAM : A.S. OKA, J.
DATED : February 9, 2007

P.C. :-

1. Heard Advocate for the petitioner in this petition under Article 227 of the Constitution of India where challenge is to order passed by Additional Commissioner, Pune, in mutation entry proceedings under the Maharashtra Land Revenue Code, 1966.

2. By the impugned order, the revisional authority has set aside the order passed by the appellate authority

on the ground that the appellate authority did not decide the application for condonation of delay in preferring Appeal. Therefore, an order of remand has been passed by the revisional authority with a direction to the appellate authority to first consider and decide the application for condonation of delay and if the delay is condoned, to proceed with the hearing of the appeal.

3. No case is made out for interference against the order of remand. Moreover, it is well settled law that in mutation entry proceedings, rights of the parties relating to immovable property are not decided.

4. Writ petition is rejected. Appellate authority will decide the application for condonation of delay as expeditiously as possible and in any event, on or before 30th April, 2007.

(A.S. OKA, J.)